

**REMARKS****▪ Statement with Respect to Scope of Amended and Non-Amended Claims**

Amendments to, cancellation of, and additions to, the claims are made in order to streamline prosecution of the case to embodiments that are presently anticipated to be of commercial significance, and are not made for a purpose of patentability. Any amendment, cancellation or addition made herein should not be construed in any manner as indicating Applicant's surrender of any subject matter of the application, or surrender of any equivalent to any element asserted in one or more claims. Applicant does not concede that the scope of the claims set forth below fail to extend as far as the original claims. Furthermore, any narrowing which may be evinced with respect to subject matter covered by the claims as a whole, or by one or more claims of the appended claims, when compared to claims previously in the application, should not be interpreted as indicating that Applicant has generally disclaimed the territory between the original claimed subject matter and the amended claimed subject matter. Applicant intends each term of the claims set forth below to be read with respect to the full-breadth of the language of the claims and not to be confined to a strict literal read of amended terms. Amended claims elements are to be construed to include substantial equivalents known to those of ordinary skill in the art. Applicant asserts that the amendments are made without prejudice and reserve all rights to prosecute any canceled claims, and claims preceding any amendment, and other disclosed (but not presently claimed) embodiments in the application, in future continuation applications, divisional applications, continuation-in-part applications, continuing prosecution applications, requests for continuing examination, re-examination applications and any other application claiming priority from or through the present application.

**Status of claims:**

Claims 1, 6, 13, 14, 17, 37, 38, 40, 42, 44, 45, 47, 55, 57-58, 70 and 76 have been amended, without prejudice. Claims 1-10, 13-18, 20-22, 36-49, 54-65, and 70-77 are presently submitted for reconsideration.

**CLAIM OBJECTIONS**

Claims 36 and 39 are objected to as being dependent upon rejected base claim 1, but would be allowable by the Examiner if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses the objection by the Examiner since the base claim 1 from which the rejected claims depend, has been placed into condition for allowance by the amendment. Accordingly, claims 36 and 39 are also deemed allowable in their present form.

**112 FIRST PARAGRAPH REJECTIONS****112 Rejections (New Matter)**

1. The Examiner has maintained the rejection of claims 6-10, 41-49, 54-65, and 70-77 under 35 USC 112, first paragraph, as failing to comply with the written description requirement as allegedly C<sub>6</sub>-C<sub>10</sub> aryls are possible based on the fact that you may have a substituted aryl group that results in the presence of 6-10 carbon atoms, the limitation on aryl as being a C<sub>6</sub>-C<sub>10</sub> aryl from the Examiner's perspective and the disclosure of the specification is not viewed as an error.

Applicant is grateful for the Examiner stated reasons for rejecting the aforementioned claims. However, Applicant respectfully confesses to a confusion since other Examiners both in the Office and elsewhere have similarly rejected the originally described C<sub>6</sub>-C<sub>10</sub> characterization of aryl as allegedly rendering such claim language indefinite under 35 U.S.C. 112, second paragraph, for the previously stated reasons. In accordance with the Examiner's suggestion or requirement, the present amendment has been submitted in order to expedite the application to allowance.

2. The rejection of claim 14 under 35 USC 112, second paragraph, as being indefinite is maintained for reasons of record in the Office Action mailed 7/13/05 and specifically that the rejection may be overcome by deleting 'or any fragment or derivative thereof.' Claim 14 has been amended accordingly, thus rendering this rejection moot.

3. Similarly, Claims 37, 38, 55, 57, and 58 which are rejected under 35 USC 112, second paragraph, as being indefinite, have been amended by deleting the offending phrase 'or any fragment thereof.' Applicant respectfully asserts that the amendment overcomes the rejection under the statute.

4. Claims 17, 64, and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 as written is allegedly confusing because of the phrase "disorders involving similar to Alzheimer's Disease, accumulative".

5. Claims 64 and 76 allegedly contain improper Markush terminology in review of MPEP 803.02. The claims are also ambiguous because they read on any compound since the phrase 'found capable of binding...compounds' is not a positive recitation.

**Applicant's Response:**

Applicant has amended the Claims 17, 64 and 76 to overcome the rejection by replacing 'degenerative neurological disorders involving similar to Alzheimer's Disease, accumulative beta-amyloid production' with 'Alzheimer's Disease'. Withdrawal of the rejection of the amended claims is solicited.

Applicant has amended the rejected claims by rewriting the Markush type limitations and deleting the term 'capable' from the characterization of inhibitor binding to the appropriate

target. It is submitted that the amended claims are now in allowable form.

The claims are free of the art of record for reasons of record in the office action mailed 7/13/05.

**Double Patenting:**

I. The rejection of claims 1, 6, 17, 18, 20, 22, 54, and 55 under the judicially created doctrine of obviousness-type double patenting as obvious over claim 1 of US Patent No. 6,878,363 is maintained for reason of record in the office action mailed 7/13/05.

II. The rejection of claims 1-6, 9, 10, 13-18, 20, and 21 under the judicially created doctrine of obviousness-type double patenting as obvious over claims 1-10 of US Patent No. 6,331,408 is maintained for reason of record in the office action mailed 7/13/05.

III. The provisional rejection of claims 1-6 and 59-62 under the judicially created doctrine of obviousness-type double patenting as obvious over claims 1, 4-7, 29, 34-42, 46-50, and 52 of application number 11/018,331 is maintained for reason of record in the office action mailed 7/13/05.

**Applicant's Response:**

Applicant respectfully submits herewith three executed terminal disclaimers signed by the agent of record for the assignee, in order to overcome the Examiner's reasons for the obviousness-type rejections (copies are enclosed).



**CONCLUSION**

In view of the amendment of the claims and the remarks set forth, Applicant respectfully believes the application to be in allowable condition. Early favorable action pursuant to this response to this action is solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Hans-Peter G. Hoffmann", written over a horizontal line.

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